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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,092	10/23/2003	Bjarki Hallgrimsson	OHH-P-28	8330
23438	7590	09/04/2007	EXAMINER	
JON C GEALOW ATTORNEY AT LAW 2903 NORTH BAYVIEW LANE MCHENRY, IL 60051-9629			WILLIAMS, THOMAS J	
			ART UNIT	PAPER NUMBER
			3683	
			MAIL DATE	DELIVERY MODE
			09/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/692,092

**Applicant(s)**

HALLGRIMSSON, BJARKI

**Examiner**

Thomas J. Williams

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,279,180 to Henriksson in view of US 5,984,334 to Dugas.

Henriksson teaches a brake handle assembly, comprising: a housing 2 adapted for connecting to the upper end of a handle bar member; a brake lever 4 having a forward end retained in the housing and a handle 24/25/26 projecting from the rear of the housing and manually operable between a neutral position (figure 1), a raised brake actuating position (figure 2) and a depressed brake locking position (see figure 3); a brake actuating member (such as element 6) is slidably mounted within the housing for interconnecting the brake lever and a connecting device 5 coupled to the brake; the brake lever has a first pivot means 9 located near the forward end of the brake lever and a first abutment surface 14 intermediate the first pivot means and the handle 24/25/26, movement of the brake lever from the neutral position to the raised brake actuating position causes the lever to pivot about the first pivot means 9 and the first abutment surface 14 to engage and upwardly displace the brake actuating member 6 (see figure 2, the brake actuating member rotates about pivot 9 and moves upwardly toward handle bar member 30); the brake lever has a second abutment surface 15 located near the forward end of the brake lever and a second pivot means 10 intermediate the second abutment surface and the

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handle, movement of the brake lever from the neutral position to the depressed brake locking position causes the lever to pivot about the second pivot means 10 and the second abutment surface to engage and upwardly displace the brake actuating member. Henriksson teaches that the connecting device 5 can take the form of various elements, see column 4 lines 32-36.

However, Henriksson fails to specifically teach the connecting device being a brake rod.

Dugas teaches a brake handle assembly utilizing a brake rod connected to a brake actuating member. It would have been obvious to one of ordinary skill in the art to have provided the brake handle assembly of Henriksson with a brake rod connected to the brake actuating member as taught by Dugas, thus providing one type of connecting element between the brake actuating member and a brake device as warranted.

#### ***Allowable Subject Matter***

3. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments filed July 13, 2007 have been fully considered but they are not persuasive. With regards to the combination of Henriksson and Dugas, one of ordinary skill in the art would have easily realized that a cable end opposite the cable end connected to element 6 would have easily been connectable to a rod element, and as such would have easily moved the rod element up and down as required. The examiner merely relies upon Dugas to teach that a rod element would have been capable of being used in a brake system. Pivot 9 in Henriksson is a pivot point for the brake lever, see figure 2. The abutment portion of the lever 4 forces brake

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actuation member 6 to rotate, as it does the lower portion of member 6 moves in an upward direction, albeit in a rotational manner, see figure 2. With regards to the second abutment surface, as best illustrated in figure 3, abutment surface 15 engages the housing, whereupon the lower portion of brake actuating member 6 moves in an upward fashion due to the rotational movement of the brake actuating member.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

August 28, 2007

**THOMAS J. WILLIAMS**  
**PRIMARY EXAMINER**

*Thomas Williams*

*AU 3683*

*8-29-07*